

PUBLIC NOTICE
VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM
NPDES PROGRAM
CLEAN WATER ACT INCORPORATION

Pursuant to Section 307(f) of the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1456 (f), and the Program Change Guidance issued in July 1996, by the Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration (NOAA), the Virginia Department of Environmental Quality (DEQ) gives notice of its incorporation into the Virginia Coastal Management Program (CMP) of selected requirements for NPDES permits established by the Commonwealth of Virginia pursuant to the Clean Water Act (CWA).

Under 33 U.S.C. § 1342, the CWA authorizes states to adopt National Pollution Discharge Elimination System (NPDES) Permit Programs subject to U.S. Environmental Protection (EPA) approval. EPA approved the Commonwealth of Virginia's NPDES Permit Program in 1975.

In 1987, the federal Water Quality Protection Act amended the CWA, adding CWA §402(p), 33 U.S.C. §1342, in order to clarify the scope of the CWA regulation over stormwater discharge. CWA §402(p) required EPA and state NPDES Permit Programs to implement storm water discharge permit programs for municipal and industrial stormwater discharges. Subsequently, the EPA approved Virginia's Stormwater Program in 2004.

In 1989, Virginia received delegation to administer the pretreatment program from the Environmental Protection Agency (EPA).

As required by the Clean Water Act, the EPA promulgated standards for the use of Disposal of Sewage Sludge (Title 40 of the Code of Federal Regulations, Part 503) in 1993. The requirements in Part 503 are self-implementing, meaning that as long as biosolids are managed in accordance with the federal regulations, a federal permit is not necessary. Virginia State Water Control Law (§62.1-44.19:3) requires that land application of biosolids be managed according to either a VPDES or Virginia Pollution Abatement (VPA) permit. Since federal permits are not required, Virginia has not sought delegation from EPA to administer the biosolids program.

CZMA § 307(f) states that the requirements established by a state or local government pursuant to the Clean Water Act shall be incorporated into any program developed pursuant to the CZMA. Pursuant to Section 307 (f) of the CZMA, the Commonwealth of Virginia now submits for incorporation into the State CMP the following current regulations for the state's VPDES established pursuant to the CWA and their corresponding CWA provisions. For convenience, we note the corresponding federal regulations next to Virginia's regulations.

Part I- Definitions and General Program Requirements

Federal Regulations (40 CFR Part 122)	
9 VAC 25-31-10 Definitions	§ 122.2 Definitions
9 VAC 25-31-20 Purpose of VPDES program and chapter	§ 122.1 Purpose and scope
9 VAC 25-31-30 Federal effluent guidelines	Incorporates federal effluent regulations from 40 CFR
9 VAC 25-31-40 Exclusions to VPDES permit	§ 122.3 Exclusions to NPDES permit
9 VAC 25-31-50 Prohibitions when permit cannot be issued	§ 122.4 Prohibitions
9 VAC 25-31-60 Effect of a permit	§ 122.5 Effect of a permit
9 VAC 25-31-70 Continuation of expiring permits	§ 122.6 Continuation of expiring permits
9 VAC 25-31-80 Confidentiality of information	§ 122.7 Confidentiality of information
9 VAC 25-31-90 Guidance documents	§ 122.1 Purpose and scope

Part II- Permit Applications and Special VPDES Permit Programs

Federal Regulations (40 CFR Part 122)	
9 VAC 25-31-100 Application for a permit	§ 122.21 Application for a permit
9 VAC 25-31-110 Signatories to permit applications and reports	§ 122.22 Signatories to permit applications and reports
9 VAC 25-31-120 Storm water discharges	§ 122.26 Storm water discharges
9 VAC 25-31-130 Concentrated animal feeding operations	§ 122.23 Concentrated animal feeding operations
9 VAC 25-31-140 Concentrated aquatic animal production facilities	§ 122.24 Concentrated aquatic animal production facilities
9 VAC 25-31-150 Aquaculture projects.	§ 122.25 Aquaculture projects
9 VAC 25-31-160 Silvicultural activities	§ 122.27 Silvicultural activities
9 VAC 25-31-165 Requirements applicable to cooling water intake structures	§ 122.44 Establishing limitations, standards, and other permit conditions
9 VAC 25-31-180 New sources and new dischargers	§ 122.29 New sources and new dischargers.

Part III - Permit Conditions

Federal Regulations (40 CFR Part 122)	
9 VAC 25-31-190 Conditions applicable to all permits	§ 122.41 Conditions applicable to all permits
9VAC 25-31-200 Additional conditions applicable to specified categories of VPDES permits	§ 122.42 Additional conditions applicable to specified categories of NPDES permits
9 VAC 25-31-210 Establishing permit conditions.	§ 122.43 Establishing permit conditions (applicable to State programs, see §123.25).
9VAC25-31-220 Establishing limitations, standards, and other permit conditions.	§ 122.44 Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see §123.25)
9 VAC 25-31-230 Calculating VPDES permit conditions	§ 122.45 Calculating NPDES permit conditions
9 VAC 25-31-240 Duration of permits	§ 122.46 Duration of permits
9 VAC 25-31-250 Schedules of compliance	§ 122.47 Schedules of compliance

Part IV- Public Involvement

Federal Regulations (40 CFR Part 122)	
9 VAC 25-31-260 Draft permits	§ 122.62 Modification or revocation and reissuance of permits
9 VAC 25-31-270 Statement of basis	§ 124.7 Statement of basis
9 VAC 25-31-280 Fact sheet	§ 124.56 Fact sheets
9 VAC 25-31-290 Public notice of permit actions and public comment period.	§ 124.10 Public notice of permit actions and public comment period
9 VAC 25-31-300 Public comments and requests for public hearings	§ 124.11 Public comments and requests for public hearings.
9VAC 25-31-310 Public hearings	§ 124.12 Public hearings
9 VAC 25-31-320 Response to comments.	§ 124.17 Response to comments
9 VAC 25-31-330 Conditions requested by the Corps of Engineers and other government agencies	§ 124.59 Conditions requested by the Corps of Engineers and other government agencies.
9 VAC 25-31-350 Appeals of variances	§ 124.64 Appeals of variances
9 VAC 25-31-360 Computation of time	§ 124.20 Computation of time

Part V- Modification, Revocation and Reissuance, and Termination of permits

Federal Regulations (40 CFR Part 122)	
9 VAC 25-31-370 Modification, revocation and reissuance, or termination of permits	§ 122.62 Modification or revocation and reissuance of permits
9VAC25-31-380. Transfer of permits.	§ 122.61 Transfer of permits
9 VAC 25-31-390 Modification or revocation and reissuance of permits	§ 122.62 Modification or revocation and reissuance of permits
9 VAC 25-31-400 Minor modifications of permits	§ 122.63 Minor modifications of permits.
9 VAC 25-31-410 Termination of permits	§ 122.64 Termination of permits (applicable to State programs, see §123.25).

Part VI- Standards for the Use or Disposal of Sewage Sludge

Article I -General Requirements

Federal Regulations (40 CFR Part 503)	
9 VAC 25-31-420 Purpose and applicability	§ 503.1 Purpose and applicability
9 VAC 25-31-440 Permits and direct enforceability	§ 503.3 Permits and direct enforceability
9 VAC 25-31-450 Relationship to other regulations	§ 503.4 Relationship to other regulations
9 VAC 25-31-460 Additional or more stringent requirements	§ 503.5 Additional or more stringent requirements
9 VAC 25-31-470 Exclusions	§ 503.6 Exclusions
9 VAC 25-31-480 Requirement for a person who prepares sewage sludge	§ 503.7 Requirement for a person who prepares sewage sludge
9 VAC 25-31-490 Sampling and analysis	§ 503.8 Sampling and analysis

Article II - Land Application of Sewage Sludge

Federal Regulations (40 CFR Part 503)	
9 VAC 25-31-510 Applicability; bulk sewage sludge; sewage sludge sold or given away in a bag or other container for application to the land	§ 503.10 Applicability
9 VAC 25-31-530 General requirements	§ 503.12 General requirements
9 VAC 25-31-540 Pollutant limits	§ 503.13 Pollutant limits
9 VAC 25-31-550 Management practices	§ 503.14 Management practices

9 VAC 25-31-560 Operational standards, pathogens, and vector attraction reduction	§ 503.15 Operational standards—pathogens and vector attraction reduction
9 VAC 25-31-570 Frequency of monitoring	§ 503.16 Frequency of monitoring
9 VAC 25-31-580 Record keeping	§ 503.17 Recordkeeping
9 VAC 25-31-590 Reporting	§ 503.18 Reporting

Article III- Surface Disposal

Federal Regulations (40 CFR Part 503)

9 VAC 25-31-600 Applicability	§ 503.20 Applicability
9 VAC 25-31-620 General requirements	§ 503.22 General requirements
9 VAC 25-31-630 Pollutant limits (other than domestic septage)	§ 503.23 Pollutant limits (other than domestic septage)
9 VAC 25-31-640 Management practices	§ 503.24 Management practices
9 VAC 25-31-650 Operational standards - pathogens and vector attraction reduction	§ 503.25 Operational standards—pathogens and vector attraction reduction
9 VAC 25-31-660. Frequency of monitoring	§ 503.26 Frequency of monitoring
9 VAC 25-31-670 Record keeping	§ 503.27 Record keeping
9 VAC 25-31-680 Reporting	§ 503.28 Reporting

Article 4- Pathogens and Vector Attraction Reduction

Federal Regulations (40 CFR Part 503)

9 VAC 25-31-690 Scope	§ 503.30 Scope
9 VAC 25-31-710 Pathogens	§ 503.32 Pathogens
9 VAC 25-31-720 Vector attraction reduction	§ 503.33 Vector attraction reduction

Part VII- General Pretreatment Regulations for Existing and New Sources of Pollution

Federal Regulations (40 CFR Part 403)

9 VAC 25-31-730 Purpose and applicability of national pretreatment standards and requirements to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.	§ 403.1 Purpose and applicability.
9VAC25-31-740. Objectives of general pretreatment regulations.	§ 403.2 Objectives of general pretreatment regulations.
VAC25-31-750. Incorporation of federal regulations. The following federal	

regulations are hereby incorporated into this chapter:	
1. 40 CFR Part 403 (2000), Appendix B—E, and Appendix G	
2. 40 CFR Part 136 (2000), Guidelines for Establishing Test Procedures for the Analysis of Pollutants.	
9 VAC 25-31-760 Local law	§ 403.4 State or local law
9 VAC 25-31-770 National pretreatment standards: prohibited discharges.	§ 403.5 National pretreatment standards: Prohibited discharges
9 VAC 25-31-780 National pretreatment standards: categorical standards	§ 403.6 National pretreatment standards: Categorical standards
9 VAC 25-31-790 Removal credits	§ 403.7 Removal credits
9 VAC 25-31-800 Pretreatment program requirements: development and implementation by POTW	§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW
9 VAC 25-31-810 POTW pretreatment programs and/or authorization to revise pretreatment standards: submission for approval	§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval
9 VAC 25-31-830 Approval procedures for POTW pretreatment programs and POTW granting of removal credits	§ 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.
9 VAC 25-31-840 Reporting requirements for POTWs and industrial users	§ 403.12 Reporting requirements for POTW's and industrial users.
9 VAC 25-31-850 Variances from categorical pretreatment standards for fundamentally different factors	§ 403.13 Variances from categorical pretreatment standards for fundamentally different factors.
9 VAC 25-31-860 Confidentiality	§ 403.14 Confidentiality
9 VAC 25-31-870 Net/gross calculation	§ 403.15 Net/Gross calculation
9 VAC 25-31-880 Upset provision	§ 403.16 Upset provision
9 VAC 25-31-890 Bypass	§ 403.17 Bypass
9 VAC 25-31-900 Modification of POTW pretreatment programs	§ 403.18 Modification of POTW pretreatment programs

Part VIII- Enforcement

Clean Water Act 33 U.S.C. §§ 1251, 1319, 1342)

9 VAC 25-31-910 Enforcement.	§ 309 Enforcement
9 VAC 25-31-920 Delegation of authority	§ 101 Congressional declaration of goals

	and policy (g) Authority of States over water
9 VAC 25-31-930 Transition	§ 402 NPDES (b) State permit programs

Part X- Delegation of Permitting and Enforcement Activity

Clean Water Act 33 U.S.C. §§ 1344)

9 VAC 25-31-940 Delegation of authority to the Department of Mines, Minerals, and Energy for coal surfacing mining	§ 404 Permits for dredged or filled material (g) State administration
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